

**COUNTY COUNCIL OF FREDERICK COUNTY  
MEETING MINUTES  
Tuesday, January 6, 2015**

Council Members Bud Otis, President; M.C. Keegan-Ayer, Vice-President; Tony Chmelik, Kirby Delauter, Jerry Donald, Jessica Fitzwater, and Billy Shreve were present for the meeting. Also present were Joyce Grossnickle, Administrative Officer and Patti Morrow, Recording Secretary.

President Otis called the meeting to order at 3:00 p.m. in the first floor hearing room, Winchester Hall, 12 East Church Street, Frederick, Maryland.

The meeting began with a moment of silence followed by the recitation of the Pledge of Allegiance.

**Public Comment**

- George Rudy
- John Gretz

**Council Comments**

Council Members Donald, Fitzwater, Keegan-Ayer and Shreve provided comments.

**Business Items:**

**Approval of Minutes**

*Council Member Keegan-Ayer moved to approve the December 11 and December 16, 2014, minutes. Council Member Donald seconded the motion that passed 7-0.*

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

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Board of Education (BOE) School Construction Fund Amendment #15-07 and  
Corresponding County Budget Transfer #BT-15-109 – Mike Gastley, Budget Office

Mr. Gastley presented the BOE School Construction Fund Amendment #15-07. Mr. Ray Barnes, Frederick County Public Schools, provided comments on the amendment.

*Council Member Keegan-Ayer moved to approve BOE School Construction Fund Amendment #15-07 and County Budget Transfer #BT-15-109 as presented. Council Member Fitzwater seconded the motion that passed 6-0-1 with Council Member Shreve abstained.*

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve			X
Presiding Officer - Otis	X		

Board of Education Current Expense Fund Amendment #1-15 – Mike Gastley, Budget Office

Mr. Gastley presented the BOE Current Expense Fund Amendment #1-15.

*Council Member Fitzwater moved to approve BOE Current Expense Fund Amendment #1-15 as presented. Council Member Keegan-Ayer seconded the motion that passed 6-0-1 with Council Member Shreve abstained.*

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve			X
Presiding Officer - Otis	X		

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Proposed County Council Rules of Procedure (Draft 2b) - Michael Chomel, County Attorney's Office

Mr. Chomel presented the draft Proposed County Council Rules of Procedure.

*Council Member Keegan-Ayer moved to adopt the December 31, 2014, version of the proposed County Rules of Procedure as amended. Council Member Fitzwater seconded the motion:*

- Council Member Fitzwater moved to amend Section 3-6 - Public Participation at Meetings (a) to read: *Individuals will have three minutes for public comment. Anyone representing an organization will have five minutes for public comment.*
- Council Member Shreve moved to amend Section 3-1 - Meeting Time and Location (b) to read: A different time or place than those provided in paragraph (a) may be authorized by the affirmative vote of at least *four* Council members.
- Council Member Shreve moved to amend Section 3-4 – Copies of Minutes to read: Pursuant to the Charter, copies of the minutes of Council meetings are to be *drafted within 21 days of the meeting* and posted on the County website after approval.

*(The Council took a break from 4:54 p.m. – 5:08 p.m.)*

- Council Member Shreve moved to amend Section 4-1 - Meeting Agendas (d) to read: Each agenda is to be distributed to members not later than *seven* calendar days preceding the meeting for which it is relevant, *according to Council Member Otis's schedule*. After distribution, the President may amend an agenda. *Council Members may make requests to amend the agenda within 48 hours of receipt*. In the event of amendment, the President must prepare and distribute a replacement agenda.
- Council Member Fitzwater moved to amend Section 4-2 – Distribution of Material to read: Before the start of each meeting the President will cause to be provided to Council members in electronic format all bills, resolutions, reports, and motions that are to be discussed *not later than five (5) calendar days preceding the meeting*.
- Council Member Shreve moved to strike Section 5-4 – Quorum when Not Available - *If a quorum is not present, the presiding officer may order and require all absent Council members to report to the Council meeting room until a quorum is present.*

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The motion failed 3-4 with Council Members Otis, Chmelik, Delauter and Shreve opposed.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik		X	
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter		X	
At-large - Otis			
At-large - Shreve		X	
Presiding Officer - Otis		X	

It was noted that staff would provide a final copy of the Proposed Rules of Procedure incorporating all of the changes made to date for the Council to approve at its next meeting.

**Budget Position Discussion – Council Member Otis**

Council Member Otis expressed a desire for the Council to hire a staff person to provide guidance on the FY 2016 budget to be presented by the County Executive in March.

*Council Member Chmelik moved to form a committee of three (3) Council Members to recommend the hiring of a budget analyst to be under contract for a period not to exceed 120 days and comply with all county procurement requirements. Council Member Keegan-Ayer seconded the motion.*

Discussion ensued.

Mr. John Mathias, Office of the County Attorney, Ms. Lori Depies, Finance Division and Ms. Tricia Griffis, Internal Audit, commented on the hiring process.

The motion passed 7-0.

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Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

*Council Member Chmelik moved to nominate Council Members Delauter, Shreve, and himself to serve on the committee. Council Member Shreve seconded the motion.*

Council Member Chmelik withdrew his motion.

*Council Member Chmelik moved to nominate Council Members Delauter, Donald, and Shreve to serve on the committee to select a budget analyst and/or firm and to bring back to the Council for approval. Council Member Shreve seconded the motion that passed 7-0.*

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

**Confirmation of Council Members' Liaison Assignments to Boards and Commissions – Joyce Grossnickle, Administrative Officer**

Ms. Grossnickle reviewed the liaison assignments that were approved by County Executive Gardner. She noted the Council would need to take action to confirm the assignments.

*Council Member Keegan-Ayer moved to approve the liaison assignments as presented. Council Member Chmelik seconded the motion.*

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*Council Member Keegan-Ayer amended the motion to accept the listing of assignments as presented with the exception of the Frederick Municipal Airport Commission, Downtown Frederick Partnership, and the Interagency Internal Audit Authority. The outstanding liaison assignments would be brought back for Council confirmation on January 20. The motion passed 6-0-1 with Council Member Shreve abstained.*

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve			X
Presiding Officer - Otis	X		

**Maryland Department of Planning Tier 4 Exemption – Transfer Development Rights Program – Gary Hessong, Community Development Division**

Mr. Jim Gugel, Community Development Division, briefed the Council on how the Agricultural Transfer Option works and gave an overview of the Septic Bill as to how it relates to the Tier IV exemption.

Council Member Otis noted a workshop would be held on Wednesday, January 14, 2015, at 3:00 p.m. to discuss the Agricultural Transfer Option Ordinance.

*No action was taken as this item was informational.*

**Public Comment**

- Kai Hagen
- Noel Manalo, Esquire
- George Rudy
- John Gretz

**Council Member Comments**

Council Member Shreve provided comments on the issue of staffing needs for the Council.

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**Closed Session**

Maryland Annotated Code General Provisions Article §3-305(b) (7) To consult with counsel to obtain legal advice on a legal matter.

Topic – To discuss with the county's attorneys the legal meaning of certain provisions of the County Charter as well as the applicability of the Open Meetings Act to County Council meetings.

- Respective Roles and Responsibilities of the County Executive and the County Council (Per the Charter)
- Nomination Process for Boards/Commissions and Department Heads

*Council Member Fitzwater moved to go into closed session. Council Member Keegan-Ayer seconded the motion that passed 7-0.*

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

**Adjourn**

The meeting adjourned at 7:38 p.m.

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Bud Otis, President  
County Council

**COUNTY COUNCIL OF FREDERICK COUNTY  
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**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF TUESDAY, JANUARY 6, 2015**

**STATUTORY AUTHORITY TO CLOSE SESSION**

**Maryland Annotated Code General Provisions Article §3-305(b):**

(7) consult with counsel to obtain legal advice.

**Motion:**

Upon a motion by Council Member Fitzwater, seconded by Council Member Keegan-Ayer, the Council voted 7-0 to go into closed session in accordance with Maryland Annotated Code General Provisions Article §3-305(b) (7) consult with counsel to obtain legal advice.

**Time and Location:**

7:45 p.m. – Third Floor Meeting Room, Winchester Hall

**Topic to be Discussed:**

To discuss with the county's attorneys the legal meaning of certain provisions of the County Charter as well as the applicability of the Open Meetings Act to County Council meetings.

- Respective Roles and Responsibilities of the County Executive and the County Council (Per the Charter)
- Nomination Process for Boards/Commissions and Department Heads

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Bud Otis, President  
County Council



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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON WEDNESDAY, JANUARY 14, 2015,  
FOLLOWING THE CLOSED MEETING OF TUESDAY, JANUARY 6, 2015**

**STATUTORY AUTHORITY TO CLOSE SESSION**

**Maryland Annotated Code General Provisions Article §3-305(b)** (7) consult with counsel to obtain legal advice.

**Motion:**

Upon a motion by Council Member Fitzwater, seconded by Council Member Keegan-Ayer, the Council voted 7-0 to go into closed session in accordance with Maryland Annotated Code General Provisions Article §3-305(b) (7) consult with counsel to obtain legal advice.

**Time and Location:**

7:45 p.m. – Third Floor Meeting Room, Winchester Hall

**Others in Attendance:**

J. Mathias, M. Chomel and D. Browning

**Topic to be Discussed:**

To discuss with the county's attorneys the legal meaning of certain provisions of the County Charter as well as the applicability of the Open Meetings Act to County Council meetings.

- Respective Roles and Responsibilities of the County Executive and the County Council (Per the Charter)
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**Action Taken:**

No action was taken.

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Bud Otis, President  
County Council